

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MATTHEW C. DANIELS,	§
	§ No. 454, 2012
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0805042477
	§
Plaintiff Below-	§
Appellee.	§

Submitted: August 27, 2012

Decided: August 28, 2012

Before **HOLLAND, BERGER** and **JACOBS**, Justices

ORDER

This 28th day of August 2012, it appears to the Court that:

(1) On August 14, 2012, the Court received the appellant's notice of appeal from the Superior Court's July 6, 2012 VOP sentencing order. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the July 6, 2012 order should have been filed on or before August 6, 2012.

(2) On August 14, 2012, the Clerk issued a notice pursuant to Rule 29(b) directing the appellant to show cause why his appeal should not be dismissed as untimely filed. The appellant filed a response to the notice to show cause on August 27, 2012. The appellant states that he was not able to

file a timely notice of appeal because he was being held at the Sussex County VOP Center and did not have access to a law library.

(3) Pursuant to Rule 6(a) (ii), a notice of appeal must be filed within 30 days of the date sentence is imposed. Time is a jurisdictional requirement.¹ A notice of appeal must be received by the Office of the Clerk of the Court within the applicable time period in order to be effective.² An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.³ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal may not be considered.⁴

(4) There is nothing in the record reflecting that the appellant's failure to file a timely notice of appeal is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that this appeal must be dismissed.

¹ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

² Supr. Ct. R. 10(a).

³ *Carr v. State*, 554 A.2d at 779.

⁴ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice